



General Assembly

January Session, 2019

Raised Bill No. 7389

LCO No. 6394



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING CONFIDENTIALITY IN THE CASE OF A DISCRETIONARY TRANSFER OF A JUVENILE'S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (b) and (c) of section 46b-127 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2019*):

4 (b) (1) Upon motion of a prosecutorial official, the superior court for
5 juvenile matters shall conduct a hearing to determine whether the case
6 of any child charged with the commission of a class C, D or E felony or
7 an unclassified felony shall be transferred from the docket for juvenile
8 matters to the regular criminal docket of the Superior Court. The court
9 shall not order that the case be transferred under this subdivision
10 unless the court finds that (A) such offense was committed after such
11 child attained the age of fifteen years, (B) there is probable cause to
12 believe the child has committed the act for which the child is charged,
13 and (C) the best interests of the child and the public will not be served

14 by maintaining the case in the superior court for juvenile matters. In
15 making such findings, the court shall consider (i) any prior criminal or
16 juvenile offenses committed by the child, (ii) the seriousness of such
17 offenses, (iii) any evidence that the child has intellectual disability or
18 mental illness, and (iv) the availability of services in the docket for
19 juvenile matters that can serve the child's needs. Any motion under
20 this subdivision shall be made, and any hearing under this subdivision
21 shall be held, not later than thirty days after the child is arraigned in
22 the superior court for juvenile matters.

23 (2) (A) Any proceeding of any case transferred to the regular
24 criminal docket pursuant to subdivision (1) of this subsection or
25 subdivision (3) of subsection (a) of this section shall be private and
26 shall be conducted in such parts of the courthouse or the building in
27 which the court is located that are separate and apart from the other
28 parts of the court which are then being used for proceedings
29 pertaining to adults charged with crimes. Any records of such
30 proceedings shall be confidential in the same manner as records of
31 cases of juvenile matters are confidential in accordance with the
32 provisions of section 46b-124, unless and until a jury enters a verdict or
33 a guilty plea is entered in such case on the regular criminal docket.

34 [(2)] (B) If a case is transferred to the regular criminal docket
35 pursuant to subdivision (1) of this subsection or subdivision (3) of
36 subsection (a) of this section, the court sitting for the regular criminal
37 docket may return the case to the docket for juvenile matters at any
38 time prior to a jury rendering a verdict or the entry of a guilty plea for
39 good cause shown for proceedings in accordance with the provisions
40 of this chapter.

41 (c) Upon the effectuation of the transfer, such child shall stand trial,
42 subject to the provisions of subdivision (2) of subsection (b) of this
43 section, and be sentenced, if convicted, as if such child were eighteen
44 years of age, subject to the provisions of section 2 of this act and
45 section 54-91g. Such child shall receive credit against any sentence
46 imposed for time served in a juvenile facility prior to the effectuation

47 of the transfer. A child who has been transferred may enter a guilty
48 plea to a lesser offense if the court finds that such plea is made
49 knowingly and voluntarily. Any child transferred to the regular
50 criminal docket who pleads guilty to a lesser offense shall not resume
51 such child's status as a juvenile regarding such offense. If the action is
52 dismissed or nolle or if such child is found not guilty of the charge for
53 which such child was transferred or of any lesser included offenses,
54 the child shall resume such child's status as a juvenile until such child
55 attains the age of eighteen years.

56 Sec. 2. (NEW) (*Effective from passage*) Notwithstanding any provision
57 of the general statutes, on and after January 1, 2020, no person under
58 eighteen years of age may be detained or incarcerated in any
59 correctional facility operated by the Department of Correction,
60 regardless of whether such person was convicted of an offense on the
61 regular criminal docket.

62 Sec. 3. Section 18-73 of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective January 1, 2020*):

64 Any [male child transferred to the regular criminal docket of the
65 Superior Court under section 46b-127, or any] male person between
66 the ages of [sixteen] eighteen and twenty-one years who is convicted of
67 an offense for which he may be punished by imprisonment for a
68 shorter period than life may be committed to the John R. Manson
69 Youth Institution, Cheshire, if he appears to the trial court to be
70 amenable to reformatory methods. The judge imposing a sentence to
71 the John R. Manson Youth Institution, Cheshire, shall impose a
72 sentence to a definite term of imprisonment therein for a specified
73 period of time; provided in no event shall any sentence under this
74 section be for a term longer than the maximum term of imprisonment
75 for the offense committed or for a term of more than five years. The
76 judge, at the time of imposing any sentence to imprisonment in said
77 institution, may order its suspension after any specified number of
78 months and may place the defendant on probation for the unexpired
79 portion of the sentence. Uniform forms of mittimus for commitments

80 to the John R. Manson Youth Institution, Cheshire, shall be used,
81 which forms shall be prepared by the Judicial Department and
82 furnished by said institution.

83 Sec. 4. Section 18-65a of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective January 1, 2020*):

85 Any female person between the ages of [sixteen] eighteen and
86 twenty-one years who is convicted in the Superior Court for an offense
87 for which she may be punished by imprisonment for a shorter period
88 than life, [or any female child transferred to the regular docket of said
89 court under section 46b-127,] may, if it appears to the trial court that
90 such person is amenable to reformatory methods, be sentenced to a
91 definite term of imprisonment in the York Correctional Institution or
92 to the Commissioner of Correction for placement in any institution
93 available to said commissioner; provided in no event shall any
94 sentence under this section be for a term longer than the maximum
95 term of imprisonment for the offense committed, nor shall such term
96 be for more than five years. The judge at the time of imposing any
97 sentence to imprisonment in said institution or to the custody of said
98 commissioner for placement in any institution available to him, may
99 order suspension of such sentence after any specified number of
100 months and may place such person on probation for the unexpired
101 portion of the sentence.

102 Sec. 5. Section 46b-121n of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2019*):

104 (a) There is established a Juvenile Justice Policy and Oversight
105 Committee. The committee shall evaluate policies related to the
106 juvenile justice system and the expansion of juvenile jurisdiction to
107 include persons sixteen and seventeen years of age.

108 (b) The committee shall consist of the following members:

109 (1) Two members of the General Assembly, one of whom shall be
110 appointed by the speaker of the House of Representatives, and one of

111 whom shall be appointed by the president pro tempore of the Senate;

112 (2) The chairpersons and ranking members of the joint standing
113 committees of the General Assembly having cognizance of matters
114 relating to the judiciary, children, human services and appropriations,
115 or their designees;

116 (3) The Chief Court Administrator, or the Chief Court
117 Administrator's designee;

118 (4) A judge of the superior court for juvenile matters, appointed by
119 the Chief Justice;

120 (5) The executive director of the Court Support Services Division of
121 the Judicial Department, or the executive director's designee;

122 (6) The executive director of the Superior Court Operations
123 Division, or the executive director's designee;

124 (7) The Chief Public Defender, or the Chief Public Defender's
125 designee;

126 (8) The Chief State's Attorney, or the Chief State's Attorney's
127 designee;

128 (9) The Commissioner of Children and Families, or the
129 commissioner's designee;

130 (10) The Commissioner of Correction, or the commissioner's
131 designee;

132 (11) The Commissioner of Education, or the commissioner's
133 designee;

134 (12) The Commissioner of Mental Health and Addiction Services, or
135 the commissioner's designee;

136 (13) The Labor Commissioner, or the commissioner's designee;

137 (14) The Commissioner of Social Services, or the commissioner's
138 designee;

139 (15) The Commissioner of Public Health, or the commissioner's
140 designee;

141 (16) The president of the Connecticut Police Chiefs Association, or
142 the president's designee;

143 (17) The chief of police of a municipality with a population in excess
144 of one hundred thousand, appointed by the president of the
145 Connecticut Police Chiefs Association;

146 (18) Two child or youth advocates, one of whom shall be appointed
147 by one chairperson of the Juvenile Justice Policy and Oversight
148 Committee, and one of whom shall be appointed by the other
149 chairperson of the Juvenile Justice Policy and Oversight Committee;

150 (19) Two parents or parent advocates, at least one of whom is the
151 parent of a child who has been involved with the juvenile justice
152 system, one of whom shall be appointed by the minority leader of the
153 House of Representatives, and one of whom shall be appointed by the
154 minority leader of the Senate;

155 (20) The Victim Advocate, or the Victim Advocate's designee;

156 (21) The Child Advocate, or the Child Advocate's designee; and

157 (22) The Secretary of the Office of Policy and Management, or the
158 secretary's designee.

159 (c) Any vacancy shall be filled by the appointing authority.

160 (d) The Secretary of the Office of Policy and Management, or the
161 secretary's designee, and a member of the General Assembly selected
162 jointly by the speaker of the House of Representatives and the
163 president pro tempore of the Senate from among the members serving
164 pursuant to subdivision (1) or (2) of subsection (b) of this section shall

165 be cochairpersons of the committee. Such cochairpersons shall
166 schedule the first meeting of the committee, which shall be held not
167 later than sixty days after June 13, 2014.

168 (e) Members of the committee shall serve without compensation,
169 except for necessary expenses incurred in the performance of their
170 duties.

171 (f) Not later than January 1, 2015, the committee shall report, in
172 accordance with section 11-4a, to the joint standing committees of the
173 General Assembly having cognizance of matters relating to
174 appropriations, the judiciary, human services and children, and the
175 Secretary of the Office of Policy and Management, regarding the
176 following:

177 (1) Any statutory changes concerning the juvenile justice system
178 that the committee recommends to (A) improve public safety; (B)
179 promote the best interests of children and youths who are under the
180 supervision, care or custody of the Commissioner of Children and
181 Families or the Court Support Services Division of the Judicial
182 Department; (C) improve transparency and accountability with respect
183 to state-funded services for children and youths in the juvenile justice
184 system with an emphasis on goals identified by the committee for
185 community-based programs and facility-based interventions; and (D)
186 promote the efficient sharing of information between the Department
187 of Children and Families and the Judicial Department to ensure the
188 regular collection and reporting of recidivism data and promote public
189 welfare and public safety outcomes related to the juvenile justice
190 system;

191 (2) A definition of "recidivism" that the committee recommends to
192 be used by state agencies with responsibilities with respect to the
193 juvenile justice system, and recommendations to reduce recidivism for
194 children and youths in the juvenile justice system;

195 (3) Short-term goals to be met within six months, medium-term
196 goals to be met within twelve months and long-term goals to be met

197 within eighteen months, for the Juvenile Justice Policy and Oversight
198 Committee and state agencies with responsibilities with respect to the
199 juvenile justice system to meet, after considering existing relevant
200 reports related to the juvenile justice system and any related state
201 strategic plan;

202 (4) The impact of legislation that expanded the jurisdiction of the
203 juvenile court to include persons sixteen and seventeen years of age, as
204 measured by the following:

205 (A) Any change in the average age of children and youths involved
206 in the juvenile justice system;

207 (B) The types of services used by designated age groups and the
208 outcomes of those services;

209 (C) The types of delinquent acts or criminal offenses that children
210 and youths have been charged with since the enactment and
211 implementation of such legislation; and

212 (D) The gaps in services identified by the committee with respect to
213 children and youths involved in the juvenile justice system, including,
214 but not limited to, children and youths who have attained the age of
215 eighteen after being involved in the juvenile justice system, and
216 recommendations to address such gaps in services; and

217 (5) Strengths and barriers identified by the committee that support
218 or impede the educational needs of children and youths in the juvenile
219 justice system, with specific recommendations for reforms.

220 (g) Not later than July 1, 2015, the committee shall report, in
221 accordance with section 11-4a, to the joint standing committees of the
222 General Assembly having cognizance of matters relating to
223 appropriations, the judiciary, human services and children, and the
224 Secretary of the Office of Policy and Management, regarding the
225 following:

226 (1) The quality and accessibility of diversionary programs available

227 to children and youths in this state, including juvenile review boards
228 and services for a child or youth who is a member of a family with
229 service needs;

230 (2) An assessment of the system of community-based services for
231 children and youths who are under the supervision, care or custody of
232 the Commissioner of Children and Families or the Court Support
233 Services Division of the Judicial Department;

234 (3) An assessment of the congregate care settings that are operated
235 privately or by the state and have housed children and youths
236 involved in the juvenile justice system in the past twelve months;

237 (4) An examination of how the state Department of Education and
238 local boards of education, the Department of Children and Families,
239 the Department of Mental Health and Addiction Services, the Court
240 Support Services Division of the Judicial Department, and other
241 appropriate agencies can work collaboratively through school-based
242 efforts and other processes to reduce the number of children and
243 youths who enter the juvenile justice system;

244 (5) An examination of practices and procedures that result in
245 disproportionate minority contact, as defined in section 4-68y, within
246 the juvenile justice system;

247 (6) A plan to provide that all facilities and programs that are part of
248 the juvenile justice system and are operated privately or by the state
249 provide results-based accountability;

250 (7) An assessment of the number of children and youths who, after
251 being under the supervision of the Department of Children and
252 Families, are convicted as delinquent; and

253 (8) An assessment of the overlap between the juvenile justice system
254 and the mental health care system for children.

255 (h) The committee shall complete its duties under this section after
256 consultation with one or more organizations that focus on relevant

257 issues regarding children and youths, such as the University of New
258 Haven and any of the university's institutes. The committee may
259 accept administrative support and technical and research assistance
260 from any such organization. The committee shall work in collaboration
261 with any results first initiative implemented pursuant to section 2-111
262 or any public or special act.

263 (i) The committee shall establish a time frame for review and
264 reporting regarding the responsibilities outlined in subdivision (5) of
265 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
266 subsection (g) of this section. Each report submitted by the committee
267 shall include specific recommendations to improve outcomes and a
268 timeline by which specific tasks or outcomes must be achieved.

269 (j) The committee shall implement a strategic plan that integrates
270 the short-term, medium-term and long-term goals identified pursuant
271 to subdivision (3) of subsection (f) of this section. As part of the
272 implementation of such plan, the committee shall collaborate with any
273 state agency with responsibilities with respect to the juvenile justice
274 system, including, but not limited to, the Departments of Education,
275 Mental Health and Addiction Services, Correction and Children and
276 Families and the Labor Department and Judicial Department, and
277 municipal police departments. Not later than January 1, 2016, the
278 committee shall report such plan, in accordance with section 11-4a, to
279 the joint standing committees of the General Assembly having
280 cognizance of matters relating to appropriations, the judiciary, human
281 services and children, and the Secretary of the Office of Policy and
282 Management, regarding progress toward the full implementation of
283 such plan and any recommendations concerning the implementation
284 of such identified goals by any state agency with responsibilities with
285 respect to the juvenile justice system or municipal police departments.

286 (k) Not later than January 1, 2017, the committee shall submit a
287 report, in accordance with section 11-4a, to the joint standing
288 committees of the General Assembly having cognizance of matters
289 relating to appropriations, the judiciary, human services and children

290 and the Secretary of the Office of Policy and Management, regarding a
291 plan that includes cost options for the development of a community-
292 based diversion system. Such plan shall include recommendations to
293 address issues concerning mental health and juvenile justice. The plan
294 shall include recommendations regarding the following:

295 (1) Diversion of children who commit crimes, excluding serious
296 juvenile offenses, from the juvenile justice system;

297 (2) Identification of services that are evidence-based, trauma-
298 informed and culturally and linguistically appropriate;

299 (3) Expansion of the capacity of juvenile review boards to accept
300 referrals from municipal police departments and schools and
301 implement restorative practices;

302 (4) Expansion of the provision of prevention, intervention and
303 treatment services by youth service bureaus;

304 (5) Expansion of access to in-home and community-based services;

305 (6) Identification and expansion of services needed to support
306 children who are truant or exhibiting behaviors defiant of school rules
307 and enhance collaboration between school districts and community
308 providers in order to best serve such children;

309 (7) Expansion of the use of memoranda of understanding pursuant
310 to section 10-233m between local law enforcement agencies and local
311 and regional boards of education;

312 (8) Expansion of the use of memoranda of understanding between
313 local and regional boards of education and community providers for
314 provision of community-based services;

315 (9) Recommendations to ensure that children in the juvenile justice
316 system have access to a full range of community-based behavioral
317 health services;

318 (10) Reinvestment of cost savings associated with reduced
319 incarceration rates for children and increased accessibility to
320 community-based behavioral health services;

321 (11) Reimbursement policies that incentivize providers to deliver
322 evidence-based practices to children in the juvenile justice system;

323 (12) Recommendations to promote the use of common behavioral
324 health screening tools in schools and communities;

325 (13) Recommendations to ensure that secure facilities operated by
326 the Department of Children and Families or the Court Support
327 Services Division of the Judicial Department and private service
328 providers contracting with said department or division to screen
329 children in such facilities for behavioral health issues; and

330 (14) Expansion of service capacities informed by an examination of
331 grant funds and federal Medicaid reimbursement rates.

332 (l) The committee shall establish a data working group to develop a
333 plan for a data integration process to link data related to children
334 across executive branch agencies, through the Office of Policy and
335 Management's integrated data system, and the Judicial Department
336 through the Court Support Services Division, for purposes of
337 evaluation and assessment of programs, services and outcomes in the
338 juvenile justice system. Membership of the working group shall
339 include, but not be limited to, the Commissioners of Children and
340 Families, Correction, Education and Mental Health and Addiction
341 Services, or their designees; the Chief State's Attorney, or the Chief
342 State's Attorney's designee; the Chief Public Defender, or the Chief
343 Public Defender's designee; the Secretary of the Office of Policy and
344 Management, or the secretary's designee; and the Chief Court
345 Administrator of the Judicial Branch, or the Chief Court
346 Administrator's designee. Such working group shall include persons
347 with expertise in data development and research design. The plan shall
348 include cost options and provisions to:

- 349 (1) Access relevant data on juvenile justice populations;
- 350 (2) Coordinate the handling of data and research requests;
- 351 (3) Link the data maintained by executive branch agencies and the
352 Judicial Department for the purposes of facilitating the sharing and
353 analysis of data;
- 354 (4) Establish provisions for protecting confidential information and
355 enforcing state and federal confidentiality protections and ensure
356 compliance with related state and federal laws and regulations;
- 357 (5) Develop specific recommendations for the committee on the use
358 of limited releases of client specific data sharing across systems,
359 including with the Office of Policy and Management, the Division of
360 Criminal Justice, the Departments of Children and Families, Education
361 and Mental Health and Addiction Services, the Judicial Department
362 and other agencies; and
- 363 (6) Develop a standard template for memoranda of understanding
364 for data-sharing between executive branch agencies, the Judicial
365 Department, and when necessary, researchers outside of state
366 government.
- 367 (m) (1) The committee shall periodically request, receive and review
368 information regarding conditions of confinement, including services
369 available, for persons under eighteen years of age detained prior to
370 January 1, 2020, at the John R. Manson Youth Institution, Cheshire.
- 371 (2) Not later than October 1, 2018, the committee shall submit a
372 report, in accordance with section 11-4a, to the joint standing
373 committees of the General Assembly having cognizance of matters
374 relating to appropriations, the judiciary, human services and children
375 and the Secretary of the Office of Policy and Management on current
376 conditions of confinement, including services available, for persons
377 under eighteen years of age who are detained or incarcerated in
378 correctional facilities, juvenile secure facilities and other out-of-home

379 placements in the juvenile and criminal justice systems. The report
380 shall include, but need not be limited to, a description of any gaps in
381 services and the continued availability and utilization of mental health,
382 education, rehabilitative and family engagement services.

383 (n) Not later than January 1, 2020, the committee shall submit a
384 report, in accordance with section 11-4a, to the joint standing
385 committees of the General Assembly having cognizance of matters
386 relating to appropriations, the judiciary, human services and children
387 and the Secretary of the Office of Policy and Management regarding a
388 juvenile justice reinvestment plan. The report shall include a study and
389 make recommendations for the reinvestment of savings realized from
390 the decreased use of incarceration and congregate care towards
391 strategic investments in home-based, school-based and community-
392 based behavioral health services and supports for children diverted
393 from, or involved with, the juvenile justice system.

394 (o) Not later than January 1, 2019, and annually thereafter, the
395 Department of Correction and the Court Support Services Division of
396 the Judicial Branch shall report to the committee on compliance with
397 the provisions of section 46b-126a. Such reports shall present indicia of
398 compliance in both state facilities and those facilities managed by a
399 private provider under contract with the state, and shall include data
400 on all persons under eighteen years of age who have been removed or
401 excluded from educational settings as a result of alleged behavior
402 occurring in those educational settings.

403 (p) Not later than January 1, 2019, and annually thereafter, all state
404 agencies that detain or otherwise hold in custody a person under
405 eighteen years of age involved with the juvenile justice or criminal
406 justice system, or that contract for the housing of any person involved
407 with the juvenile justice or criminal justice system under eighteen
408 years of age, shall report to committee on compliance with the
409 provisions of section 46b-121p. Such reports shall include indicia of
410 compliance in both direct-run and contract facilities, and shall include
411 data on all rearrests and uses of confinements and restraints for youth

412 in justice system custody, as defined in section 10-253.

413 (q) Not later than July 1, 2018, the committee shall convene a
414 subcommittee to develop a detailed plan concerning the overall
415 coordination, oversight, supervision, and direction of all vocational
416 and academic education services and programs for children in justice
417 system custody, and the provision of education-related transitional
418 support services for children returning to the community from justice
419 system custody. The subcommittee shall consist of:

420 (1) One person designated by the Commissioner of Education;

421 (2) One person designated by the executive director of the Court
422 Support Services Division of the Judicial Branch;

423 (3) One person designated by the Bridgeport School District;

424 (4) One person designated by the Hartford School District;

425 (5) One person designated by the Commissioner of Correction;

426 (6) One person who is an expert in state budgeting and who can
427 assist the subcommittee in obtaining data on relevant expenditures
428 and available resources, designated by the Secretary of the Office of
429 Policy and Management;

430 (7) Three persons, who are experts with significant career
431 experience in providing and coordinating education in justice-system
432 settings and who are not employees of the state of Connecticut,
433 designated by the chairpersons of the Juvenile Justice Oversight and
434 Planning Committee; and

435 (8) Two persons representing the interests of students and families,
436 one designated by the executive director of an organization in this
437 state with the mission of stopping the criminalization of this state's
438 children and one designated by the executive director of an
439 organization in this state that advocates for legal rights for the most
440 vulnerable children in this state.

441 (A) The plan developed pursuant to this subsection shall include,
442 but need not be limited to:

443 (i) Identification of a single state agency and designation of a
444 program manager within that agency who will be responsible for
445 planning, coordination, oversight, supervision, quality control, legal
446 compliance and allocation of relevant federal and state funds for
447 children in justice system custody;

448 (ii) A detailed description of how educational services will be
449 provided to children in justice system custody and how education-
450 related supports will be provided to children during transition out of
451 justice system custody, either directly by the single state agency
452 identified by the plan pursuant to clause (i) of this subparagraph or
453 through a state-wide contract with a single nonprofit provider;

454 (iii) An analysis of resources expended for educating children in
455 justice system custody and for supporting educational success during
456 transitions out of justice system custody, and recommendations for
457 consolidating and reallocating resources towards the oversight,
458 accountability, services and supports provided for in the plan
459 pursuant to this subsection;

460 (iv) Provisions for ensuring that a range of pathways to educational
461 and economic opportunity are available for children in justice system
462 custody, including at a minimum a traditional high school diploma
463 program, an accelerated credit recovery program, vocational training
464 programs and access to post-secondary educational options;

465 (v) Specifications for a state-wide accountability and quality control
466 system for schools that serve children in justice system custody. The
467 accountability and quality control system shall include, but need not
468 be limited to:

469 (I) A specialized school profile and performance report, to be
470 produced annually for each school that serves children in justice
471 system custody. The profiles and performance reports shall be

472 consistent with other accountability systems required by law and shall
473 include criteria and metrics tailored to measuring the quality of
474 schools that serve children in justice system custody. Such metrics
475 shall include, but need not be limited to: Student growth in reading
476 and math; credit accumulation; modified graduation rates and high
477 school equivalent passage rates; school attendance, defined as the
478 percentage of children who are actually physically present in
479 classrooms for school and educational programs; the percentage of
480 students pursuing a high school diploma, an industry-based
481 certification, a recognized high school diploma equivalent, credits for
482 advanced courses and post-secondary education programs;
483 performance in educating children with exceptionalities, including
484 identification of special education needs, the development of best-
485 practices for individualized education programs and the provision of
486 services and supports mandated by individualized education
487 programs; student reenrollment in school or other educational or
488 vocational training programs after leaving justice system custody;
489 student success in post-release high school, post-secondary education,
490 or job-training programs; and compliance with the protocols for
491 support of educational transitions delineated in clause (vi) of this
492 subparagraph;

493 (II) Identifying achievement benchmarks for each measurement of
494 school quality;

495 (III) Written standards for educational quality for schools that serve
496 children in custody;

497 (IV) A program for quality control and evaluation of schools serving
498 children in custody. The program shall include, but need not be
499 limited to, in-person observation and monitoring of each school
500 serving children in justice system custody. The monitoring shall occur
501 at least annually, and shall be conducted by experts in special
502 education and education in justice-system settings;

503 (V) Provisions for ensuring that each school serving children in

504 justice system custody seeks and obtains external accreditation by a
505 recognized accrediting agency; and

506 (VI) A set of supports, interventions and remedies that shall be
507 implemented when a school serving children in justice system custody
508 falls consistently or significantly short of quality benchmarks;

509 (vi) Provisions for ensuring that the state-wide education system for
510 children in justice system custody includes:

511 (I) The engagement of one or more curriculum development
512 specialists to support learning in schools serving children in justice
513 system custody and to develop a flexible, high-interest, modular
514 curriculum that is aligned with state standards and adapted to the
515 context of educating children in justice system custody;

516 (II) The engagement of one or more professional development and
517 teacher training specialists to support teachers in schools that serve
518 children in justice system custody; and

519 (III) The engagement of professional reentry coordinators to support
520 educational success in children returning to the community from
521 justice system custody;

522 (vii) A protocol for educational support of children transitioning
523 into, and out of, justice system custody. The protocol shall include, but
524 need not be limited to:

525 (I) Team-based reentry planning for every child in justice system
526 custody;

527 (II) Clear and ambitious timelines for transfer of educational records
528 at intake and release from justice system custody; and

529 (III) Timelines for reenrollment and credit transfer;

530 (viii) Recommendations for any legislation that may be necessary or
531 appropriate to implement the provisions of the plan developed

532 pursuant to this subsection; and

533 (ix) A timeline for implementation of the plan developed pursuant
534 to this subsection.

535 (B) The plan developed pursuant to this subsection shall be
536 submitted on or before January 1, 2020, to the joint standing committee
537 of the General Assembly having cognizance of matters relating to
538 education, in accordance with the provisions of section 11-4a.

539 (C) For purposes of this subsection: "Justice system custody" means
540 justice system custody, as defined in section 10-253; "school" means
541 any program or institution, or any project or unit thereof, that provides
542 any academic or vocational education programming for any children
543 in justice system custody; and "child" means child, as defined in
544 section 10-253.

545 (r) The committee shall review methods other states employ to (1)
546 transfer juvenile cases to the regular criminal docket, and (2) detain
547 persons fifteen, sixteen and seventeen years of age whose cases are
548 transferred to the regular criminal docket. Such review shall consider
549 (A) the transfer of juvenile cases to the regular criminal docket and
550 outcomes associated with such transfers, including the impact on
551 public safety and the effectiveness in changing the behavior of
552 juveniles, and (B) preadjudication and postadjudication detention and
553 include an examination of organizational and programmatic
554 alternatives. The committee shall complete such review not later than
555 January 1, 2020, and not later than July 1, 2021, develop a plan for
556 implementation of any recommended changes, including cost options
557 where appropriate.

558 Sec. 6. (NEW) (*Effective from passage*) (a) The Commissioners of
559 Correction and Children and Families and the executive director of the
560 Court Support Services Division of the Judicial Department shall
561 implement best practices in juvenile detention centers and correctional
562 facilities where persons ages seventeen years and under are detained.
563 Such practices shall address:

564 (1) Suicidal and self-harming behaviors, including the development
565 of a screening tool designed to determine which detained persons are
566 at risk for suicidal and self-harming behaviors;

567 (2) Negative impacts of solitary confinement;

568 (3) Harmful effects of using chemical agents and prone restraints on
569 detained persons, including prohibiting the use of such chemical
570 agents and limiting the use of prone restraints on such persons; and

571 (4) Programming and services for such detained persons, including
572 implementing behavior intervention plans for such persons whose
573 behavior interferes with the safety or rehabilitation of other detained
574 persons and providing trauma-responsive rehabilitative, pro-social
575 and clinical services embedded into such person's daily schedule.

576 (b) The practices implemented under subsection (a) of this section
577 shall provide developmentally healthy and appropriate activities and
578 recreational opportunities for such detained persons and their family
579 members during visitation periods that are designed to strengthen
580 family bonds and minimize trauma of separation. Such visitations shall
581 include contact visits, unless such visit creates a risk of a harm to any
582 person.

583 (c) The Commissioners of Correction and Children and Families and
584 the executive director of the Court Support Services Division of the
585 Judicial Department shall report to the Juvenile Justice Policy and
586 Oversight Committee established under section 46b-121n of the
587 general statutes, as amended by this act, annually, not later than
588 January fifteenth for the previous calendar year on the following:

589 (1) Suicidal and self-harming behaviors exhibited by persons
590 detained in juvenile detention centers and correctional facilities where
591 persons ages seventeen years and under are detained under the
592 commissioners' or executive director's control or oversight;

593 (2) Uses of force against and the imposition of physical isolation of

594 persons detained in juvenile detention centers and correctional
595 facilities where persons ages seventeen years and under are detained
596 under the commissioners' or executive director's control or oversight;
597 and

598 (3) Any educational or mental health concerns for persons detained
599 in juvenile detention centers and correctional facilities where persons
600 ages seventeen years and under are detained under the commissioners'
601 or executive director's control or oversight.

602 Sec. 7. Section 18-81cc of the general statutes is repealed and the
603 following is substituted in lieu thereof (*Effective October 1, 2019*):

604 (a) Any agency of the state or any political subdivision of the state
605 that incarcerates or detains adult or juvenile offenders, including
606 persons detained for immigration violations, shall, within available
607 appropriations, adopt and comply with the applicable standards
608 recommended by the National Prison Rape Elimination Commission
609 for the prevention, detection and monitoring of, and response to,
610 sexual abuse in adult prisons and jails, community correctional
611 centers, juvenile facilities and lockups.

612 (b) Such standards include, but are not limited to:

613 (1) Zero tolerance of sexual abuse;

614 (2) Contracting with other entities for the confinement of inmates or
615 detainees;

616 (3) Inmate or detainee supervision;

617 (4) Heightened protection for vulnerable detainees;

618 (5) Limits to cross-gender viewing and searches;

619 (6) Accommodating inmates or detainees with special needs;

620 (7) Hiring and promotion decisions;

- 621 (8) Assessment and use of monitoring technology;
- 622 (9) Evidence protocol and forensic medical examinations;
- 623 (10) Agreements with outside public entities and community service
624 providers;
- 625 (11) Agreements with outside law enforcement agencies;
- 626 (12) Agreements with the prosecuting authority;
- 627 (13) Employee training;
- 628 (14) Volunteer and contractor training;
- 629 (15) Inmate education;
- 630 (16) Detainee, attorney, contractor and inmate worker notification of
631 agency's zero-tolerance policy;
- 632 (17) Specialized training: Investigations;
- 633 (18) Specialized training: Medical and mental health care;
- 634 (19) Screening for risk of victimization and abusiveness;
- 635 (20) Use of screening information;
- 636 (21) Inmate or detainee reporting;
- 637 (22) Exhaustion of administrative remedies;
- 638 (23) Inmate access to outside confidential support services or legal
639 representation;
- 640 (24) Third-party reporting;
- 641 (25) Staff and facility or agency head reporting duties;
- 642 (26) Reporting to other confinement facilities;

- 643 (27) Staff first responder duties;
- 644 (28) Coordinated response;
- 645 (29) Agency protection against retaliation;
- 646 (30) Duty to investigate;
- 647 (31) Criminal and administrative agency investigations;
- 648 (32) Evidence standard for administrative investigations;
- 649 (33) Disciplinary sanctions for staff;
- 650 (34) Disciplinary sanctions for inmates;
- 651 (35) Referrals for prosecution for detainee-on-detainee sexual abuse;
- 652 (36) Medical and mental health screenings: History of sexual abuse;
- 653 (37) Access to emergency medical and mental health services;
- 654 (38) Ongoing medical and mental health care for sexual abuse
655 victims and abusers;
- 656 (39) Sexual abuse incident reviews;
- 657 (40) Data collection;
- 658 (41) Data review for corrective action;
- 659 (42) Data storage, publication, and destruction; and
- 660 (43) Audits of standards.

661 (c) The agency head of any agency of the state or the chief elected
662 official or governing legislative body of any political subdivision of the
663 state that incarcerates or detains juvenile offenders shall, annually, not
664 later than January fifteenth, certify its compliance with the provisions
665 of subsections (a) and (b) of this section to the Criminal Justice Policy
666 and Planning Division within the Office of Policy and Management.

667 Sec. 8. Section 17a-101 of the general statutes is repealed and the
668 following is substituted in lieu thereof (*Effective October 1, 2019*):

669 (a) The public policy of this state is: To protect children whose
670 health and welfare may be adversely affected through injury and
671 neglect; to strengthen the family and to make the home safe for
672 children by enhancing the parental capacity for good child care; to
673 provide a temporary or permanent nurturing and safe environment for
674 children when necessary; and for these purposes to require the
675 reporting of suspected child abuse or neglect, investigation of such
676 reports by a social agency, and provision of services, where needed, to
677 such child and family.

678 (b) The following persons shall be mandated reporters: (1) Any
679 physician or surgeon licensed under the provisions of chapter 370, (2)
680 any resident physician or intern in any hospital in this state, whether
681 or not so licensed, (3) any registered nurse, (4) any licensed practical
682 nurse, (5) any medical examiner, (6) any dentist, (7) any dental
683 hygienist, (8) any psychologist, (9) any school employee, as defined in
684 section 53a-65, (10) any social worker, (11) any person who holds or is
685 issued a coaching permit by the State Board of Education, is a coach of
686 intramural or interscholastic athletics and is eighteen years of age or
687 older, (12) any individual who is employed as a coach or director of
688 youth athletics and is eighteen years of age or older, (13) any
689 individual who is employed as a coach or director of a private youth
690 sports organization, league or team and is eighteen years of age or
691 older, (14) any paid administrator, faculty, staff, athletic director,
692 athletic coach or athletic trainer employed by a public or private
693 institution of higher education who is eighteen years of age or older,
694 excluding student employees, (15) any police officer, (16) any juvenile
695 or adult probation officer, (17) any juvenile or adult parole officer, (18)
696 any member of the clergy, (19) any pharmacist, (20) any physical
697 therapist, (21) any optometrist, (22) any chiropractor, (23) any
698 podiatrist, (24) any mental health professional, (25) any physician
699 assistant, (26) any person who is a licensed or certified emergency
700 medical services provider, (27) any person who is a licensed or

701 certified alcohol and drug counselor, (28) any person who is a licensed
702 marital and family therapist, (29) any person who is a sexual assault
703 counselor or a domestic violence counselor, as defined in section 52-
704 146k, (30) any person who is a licensed professional counselor, (31) any
705 person who is a licensed foster parent, (32) any person paid to care for
706 a child in any public or private facility, child care center, group child
707 care home or family child care home licensed by the state, (33) any
708 employee of the Department of Children and Families, (34) any
709 employee of the Department of Public Health, (35) any employee of the
710 Office of Early Childhood who is responsible for the licensing of child
711 care centers, group child care homes, family child care homes or youth
712 camps, (36) any paid youth camp director or assistant director, (37) the
713 Child Advocate and any employee of the Office of the Child Advocate,
714 (38) any person who is a licensed behavior analyst, [and] (39) any
715 family relations counselor, family relations counselor trainee or family
716 services supervisor employed by the Judicial Department, and (40) any
717 person employed, including any person employed under contract and
718 any ombudsman or ombudswoman, to work at a juvenile detention
719 facility or any other facility where children under eighteen years of age
720 are detained.

721 (c) The Commissioner of Children and Families shall develop an
722 educational training program and refresher training program for the
723 accurate and prompt identification and reporting of child abuse and
724 neglect. Such training program and refresher training program shall be
725 made available to all persons mandated to report child abuse and
726 neglect at various times and locations throughout the state as
727 determined by the Commissioner of Children and Families. Such
728 training program and refresher training program shall be provided in
729 accordance with the provisions of subsection (g) of section 17a-101i to
730 each school employee, as defined in section 53a-65, within available
731 appropriations.

732 (d) On or before October 1, 2011, the Department of Children and
733 Families, in consultation with the Department of Education, shall
734 develop a model mandated reporting policy for use by local and

735 regional boards of education. Such policy shall state applicable state
736 law regarding mandated reporting and any relevant information that
737 may assist school districts in the performance of mandated reporting.
738 Such policy shall include, but not be limited to, the following
739 information: (1) Those persons employed by the local or regional board
740 of education who are required pursuant to this section to be mandated
741 reporters, (2) the type of information that is to be reported, (3) the time
742 frame for both written and verbal mandated reports, (4) a statement
743 that the school district may conduct its own investigation into an
744 allegation of abuse or neglect by a school employee, provided such
745 investigation does not impede an investigation by the Department of
746 Children and Families, and (5) a statement that retaliation against
747 mandated reporters is prohibited. Such policy shall be updated and
748 revised as necessary.

749 Sec. 9. (NEW) (*Effective October 1, 2019*) (a) For purposes of this
750 section, "ombudsman or ombudswoman services" includes (1) the
751 receipt of complaints by the ombudsman or ombudswoman from
752 persons detained in juvenile detention centers and correctional
753 facilities where persons ages seventeen years and under are detained
754 and the parent or guardian of any such person regarding decisions,
755 actions and omissions, policies, procedures, rules and regulations of
756 the center or facility, (2) touring each such center or facility, (3)
757 investigating such complaints, rendering a decision on the merits of
758 each complaint and communicating the decision to the complainant,
759 (4) recommending to the head of the agency that operates or oversees
760 such center or facility a resolution of any complaint found to have
761 merit, and (5) recommending policy revisions to the head of such
762 center or facility.

763 (b) The Commissioners of Correction and Children and Families
764 and the executive director of the Court Support Services Division of
765 the Judicial Department shall ensure that ombudsman or
766 ombudswoman services are available at any juvenile detention center
767 or correctional facility where persons ages seventeen years and under
768 are detained that any such agency operates or oversees.

769 Sec. 10. Subdivision (3) of section 46b-120 of the general statutes, as
 770 amended by section 146 of public act 17-2 of the June special session
 771 and section 26 of public act 18-31, is repealed and the following is
 772 substituted in lieu thereof (*Effective July 1, 2019*):

773 (3) "Family with service needs" means a family that includes a child
 774 who is at least seven years of age and is under eighteen years of age
 775 who, according to a petition lawfully filed on or before June 30, 2019,
 776 (A) has without just cause run away from the parental home or other
 777 properly authorized and lawful place of abode, or (B) is beyond the
 778 control of the child's parent, parents, guardian or other custodian; [,
 779 (C) has engaged in indecent or immoral conduct, or (D) is thirteen
 780 years of age or older and has engaged in sexual intercourse with
 781 another person and such other person is thirteen years of age or older
 782 and not more than two years older or younger than such child;]

783 Sec. 11. Subdivision (3) of section 46b-120 of the general statutes, as
 784 amended by section 146 of public act 17-2 of the June special session,
 785 section 26 of public act 18-31 and section 10 of this act, is repealed and
 786 the following is substituted in lieu thereof (*Effective July 1, 2020*):

787 (3) "Family with service needs" means a family that includes a child
 788 who is at least seven years of age and is under eighteen years of age
 789 who, according to a petition lawfully filed on or before June 30, 2019; [,
 790 (A) has without just cause run away from the parental home or other
 791 properly authorized and lawful place of abode, or (B) is beyond the
 792 control of the child's parent, parents, guardian or other custodian;]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	46b-127(b) and (c)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>January 1, 2020</i>	18-73
Sec. 4	<i>January 1, 2020</i>	18-65a
Sec. 5	<i>October 1, 2019</i>	46b-121n
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>October 1, 2019</i>	18-81cc

Sec. 8	<i>October 1, 2019</i>	17a-101
Sec. 9	<i>October 1, 2019</i>	New section
Sec. 10	<i>July 1, 2019</i>	46b-120(3)
Sec. 11	<i>July 1, 2020</i>	46b-120(3)

Statement of Purpose:

To preserve confidentiality in a juvenile's case transferred under the discretion of the court to the regular criminal docket in the event that such case may be transferred back to the docket for juvenile matters and to implement the recommendations of the Juvenile Justice Policy and Oversight Committee.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]